

REMARKS/ARGUMENTS

This Response responds to an Office Action dated June 20, 2007, wherein the Examiner has stated that the prior response filed on April 25, 2007, was not fully responsive. The Examiner has requested that applicant elect a single disclosed species for prosecution on the merits. While the Examiner contends that there are five patentably distinct species disclosed in the application, it is Applicant's position that each of the species so identified on page 3 of the Office Action dated April 2, 2007, are in fact mere alternative embodiments of the claimed invention. Without admitting that the present application contains claims directed to more than one patentably distinct species, applicant elects with traverse claims 1, 5-16 in the pending application, and withdraws claims 2-4 and 17-27 from present consideration. Applicant further reserves the right to petition the withdrawal of the restriction requirement, and/or to file a continuation or divisional application patent applications for the withdrawn claims.

With respect to the Examiner's contention that there are six patentably distinguishable species claimed and illustrated in the drawings, it is respectfully submitted that each alleged specie is merely an embodiment of the article claimed in claims 1-16. The Examiner further contends that the article may be used to cool a beverage, it is respectfully submitted that no claims are directed to this embodiment. The Examiner acknowledges that claims 1-27 are related as product and process of use; however, the Examiner neglects that the claimed process of use is integral to the product, and as such, claims 1-27 are directed to a singular invention.

Nevertheless, in light of applicant's amendments to the claims, applicant requests that claims 1, 5-16 be examined, and that a timely Notice of Allowance issue on this application.

Respectfully submitted,  
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